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FILED
AUG 11 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8710

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.:
V	COMPLAINT FOR VIOLATION OF
Oswaldo ORTEGA-Vega (1)	21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)
Grecia TOPETE-Verdugo (2) Defendants.	

The undersigned complainant being duly sworn states:

That on or about August 9, 2008, within the Southern District of California, defendant Oswaldo ORTEGA-Vega and Grecia TOPETE-Verdugo, did knowingly and intentionally import approximately 29.86 kilograms (65.69 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Probable Cause Statement incorporated herein by reference.

Robert J. Fejeran Jr.
Special Agent
Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, AUGUST 11, 2008.

PETER C. LEWIS
U. S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Oswaldo ORTEGA-Vega
Grecia TOPETE-Verdugo

PROBABLE CAUSE STATEMENT

This complaint is based on the personal observations, investigation, and information furnished to U.S. Immigration and Customs Enforcement Special Agent Robert J. Fejeran, Jr.

On August 9, 2008, at approximately 0925 hours, at the Calexico CA West Port of Entry, Canine Enforcement Officers (CEO's) David Alba and Ray Navarro were conducting pre-primary roving inspections utilizing their assigned Human and Narcotic Detector dogs. CEO Alba observed his HNDD "Cindy" alert to the left exterior panel of a Nissan Rogue bearing Baja California, Mexico license plate BA/MX AHX2860 as the vehicle was in line for primary inspection to enter the U.S. CEO Alba informed CEO Navarro of the alert and CEO Navarro approached the occupants of the vehicle identified as Oswaldo ORTEGA-Vega (driver) and Grecia TOPETE-Verdugo (passenger), and obtained a negative oral Customs from both occupants. CEO Alba informed CPO Alfredo Lopez who was manning primary lane three to refer the vehicle to secondary inspection based on the positive alert. CBPO Lopez also received a negative oral customs declaration again from both occupants and referred the vehicle to secondary for further inspection.

In vehicle secondary, both ORTEGA and TOPETE again gave negative Customs declarations to CBPO Bob Brown. CEO Alba screened the vehicle again with "Cindy" where she again alerted to the rocker panel and floorboard of the vehicle. A search of the vehicle resulted in the discovery of a non factory compartment in the rear floorboard underneath both front seats. The access panels under both front seats were pried open resulting in the discovery of several packages wrapped in cellophane and heat sealed plastic in the compartment. One of the packages was probed producing a white powdery substance, which field-tested positive for the presence of cocaine. A total of twenty three (23) packages, with a total approximate weight of 29.86 kilograms (65.69 pounds) of cocaine were removed from the compartment.

Both ORTEGA and TOPETE were advised of their rights per Miranda, which both acknowledged and waived. Both ORTEGA and TOPETE admitted to marijuana possibly being hidden in the vehicle and that it was illegal to smuggle marijuana into the U.S. Both ORTEGA and TOPETE stated that they were both paid between $300.00 to $500.00 dollars to drive "loaded" vehicles into the U.S., and that they had received payment for doing so on five previous occasions, to include three other occasions in another vehicle.

Executed on August 9, 2008, at 1700 hours.

Robert J. Feyeran Jr., Special Agent
Immigration and Customs Enforcement

On the basis of the facts presented in the attached probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant(s) named in this probable cause statement committed the offense on August 9, 2008, in violation of Title 21, United States Code, Sections 952 and 960.

RUBEN B. BROOKS
UNITED STATES MAGISTRATE JUDGE

8/9/2008 at 7:10 p.m.
DATE/TIME